

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY L. GRAVES,

Defendant.

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CRIMINAL NO. **09-30170-MJR**

ORDER

PROUD, Magistrate Judge:

Before the Court is defendant Graves' Motion for Bond, seeking release on an unsecured bond in order to attend his father's funeral on Friday, December 4, 2009. (**Doc. 12**). The defendant does not indicate where the funeral will be, but according to the Probation Office, the funeral will be in the Alton, Illinois, area. The government opposes release, citing the factors for defendant's present detention. (**Doc. 13**). The government suggests the defendant arrange for his father's remains to be transported to the facility where defendant is presently detained for viewing. In the event the Court orders the U.S. Marshal transport or otherwise accompany the defendant to the funeral, the Marshal notes that defendant would have to bear the costs, which are estimated at in excess of \$1,000— payment required in advance.

The Court appreciates the defendant's desire to pay his last respects to his father. However, the Court's duty to ensure that defendant appears for trial and does not pose a danger to the community remains.

Defendant is charged with being a felon in possession of a firearm. At the time of the offense, defendant had three prior felony convictions, he was on probation, he was on release pending trial on another charge, and there are several arrest warrants still pending against the

defendant. It is clear that, historically, defendant has not learned from past mistakes, he does not respect the authority of the legal system or comply with court orders. Therefore, the risk of flight and the danger to the community associated with merely releasing defendant are far too great.

The government and the Marshal have no objection to the defendant making arrangements to have his father's remains to be transported to the facility where defendant is presently detained for viewing. Such an alternate plan is acceptable to the Court, if it can be arranged, and if defendant bears all associated costs.

IT IS THEREFORE ORDERED that defendant Graves' Motion for Bond (**Doc. 12**) is **DENIED**.

IT IS SO ORDERED.

DATED: December 2, 2009

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE